

# Order

Michigan Supreme Court  
Lansing, Michigan

July 13, 2007

Clifford W. Taylor,  
Chief Justice

133294

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

RICK BEAVERS,  
Plaintiff-Appellant,

v

SC: 133294  
COA: 269007  
Wayne CC: 03-309389-NO

BARTON MALOW COMPANY, JOMAR  
BUILDING COMPANY, INC., SPILLIS  
CARDELLA, DMJM, a/k/a DMJA, INC.,  
and ROBERT SMITH,  
Defendants-Appellees.

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On order of the Court, the application for leave to appeal the January 18, 2007 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether, in light of MCR 7.205(F)(3), the following cases were properly decided: *Riza v Niagara Machine & Tool Works, Inc.*, 411 Mich 915 (1980); and *People v Kincade (On Remand)*, 206 Mich App 477 (1994). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



s0710

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 13, 2007

*Corbin R. Davis*

Clerk